

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MITCHELL GROUP USA, LLC, et al.,
Plaintiffs,

- against -

NKEM UDEH, et al.,
Defendants.

MEMORANDUM
AND ORDER

14-CV-5745 (DLI) (JO)

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JAMES ORENSTEIN, Magistrate Judge:

As the docket reflects, Sahendou Timite, the principal of defendants Timite & Son Beauty Supplies, Inc. and World Beauty Distributor, Inc. (collectively, the "Timite Defendants"), personally attended court proceedings in this case on June 16, 2015, and August 20, 2015. At each of those conferences, the court explicitly addressed the Timite Defendants' many failures to discharge their obligations in this litigation and imposed certain further obligations. Thus, whatever difficulties the Timite Defendants' new counsel may face in representing the Timite Defendants because of the timing of their decision to engage new counsel, the defendants themselves cannot entirely blame their prior counsel for their own failures over the past three months to discharge their obligations.

Moreover, the scheduling of yesterday's conference was clearly stated on the docket in the current Case Management and Scheduling Order. *See* Docket Entry ("DE") 92. There is no reason the Timite Defendants' new counsel could not have reviewed the docket upon entering a notice of appearance, and thus known of the obligation to appear at yesterday's conference had she done so.

Finally, I respectfully suggest that the Timite Defendants' decision to engage an attorney who will immediately become unavailable for the next eleven days, thereby requiring the court and the plaintiff to rearrange their schedules to accommodate that unavailability, undermines the persuasiveness of new counsel's assertion that "it is [the Timite Defendants] absolute intention to engage in a course correction in this litigation so that the Court and counsel are treated with proper respect[.]" DE 106 at 2.

I therefore deny the Timite Defendants' requests to reopen discovery and to permit the untimely filing of an amended Answer. To the extent the Timite Defendants seek relief with respect to sanctions I did not impose, I respectfully defer to Judge Irizarry to rule on the request. The Timite Defendants' request for a telephone conference is denied as unnecessary.

SO ORDERED.

Dated: Brooklyn, New York
September 17, 2015

/s/
JAMES ORENSTEIN
U.S. Magistrate Judge